GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Sri A. Purushothama Naidu, Deputy Statistical Officer, Planning (IX) Department - Violation of Conduct Rules - Placed under suspension under Rule 8 (1) of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 - Orders - Issued.

PLANNING (OP.I) DEPARTMENT

G.O.Rt.No.88. Dated:25.08.2024.

Read the following:-

Movement history of E-file No.2502067.

ORDER:

Whereas it has come to the notice of the Government that, the file which was circulated to Hon'ble Minister, Finance & Planning was forcefully pulled back by Sri A. Purushothama Naidu, Deputy Statistical Officer, Planning (IX) Department. The act of Sri A. Purushothama Naidu, Deputy Statistical Officer, Planning (IX) Department in pulling back the file from the inbox of the Hon'ble Minister, Finance & Planning amounts to violation of Rule 3 (1) A.P.C.S. (Conduct) Rules, 1964.

2. And whereas the Government, being the competent authority after careful examination of the matter, it is necessary to place Sri A. Purushothama Naidu, Deputy Statistical Officer, Planning (IX) Department under suspension.

3. Now, therefore, in exercise of the powers conferred by sub-rule (1) of Rule 8 of Andhra Pradesh Civil Services (CCA) Rules, 1991, Government hereby place the said Sri A. Purushothama Naidu, Deputy Statistical Officer, Planning (IX) Department under suspension, with immediate effect pending enquiry in the matter.

4. It is further ordered that during the period this order remains in force the headquarters of Sri A. Purushothama Naidu, Deputy Statistical Officer, Planning (IX) Department shall be Velagapudi of Guntur District and the said Sri A. Purushothama Naidu, Deputy Statistical Officer, Planning (IX) Department shall not leave the headquarters without obtaining the previous permission of the undersigned.

5. It is further ordered that during the period of suspension, Sri A. Purushothama Naidu, Deputy Statistical Officer, Planning (IX) Department shall be paid subsistence allowance as is admissible under Rule 53 of Fundamental Rules.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

PEEYUSH KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To
Sri A. Purushothama Naidu, Deputy Statistical Officer, Planning (IX) Department.
The Officers/Sections Concerned.
The Planning (OP.II) Department.
(With a request to draw and disburse the subsistence allowance to the officer during the suspension period.)
The Planning (III) Department.
The Deputy Pay and Accounts Officer, A.P. Secretariat.
The PS to Principal Secretary to Government, Planning Department.
The Director, Directorate of Economics and Statistics, Vijayawada.
The Accountant General, Andhra Pradesh, Vijayawada.
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER

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Planning Dept.
C.No: 1466
Dt: 26/09/24
Section: OP-I

To
The Joint Secretary to Government (General)
Planning Department,
AP Secretariat,
Velagapudi, Amaravathi.

25-09-2024

Joint Secretary to Govt. (Genl.), Planning Dept. ★ A.P. Secretariat, Velagapudi ★
584
26 SEP 2024

Respected Sir,

Sub:- Public Services – Sri A.Purushothama Naidu, Deputy Statistical Officer, Planning (IX) Department – Payment of subsistence allowance during suspension period – No employment certificate – Submitted.

Ref:- G.O.Rt.No.88 , Planning (OP.I) Department, dt:25.08.2024

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With reference to my suspension vide G.O cited, I am to state that I have not engaged in any other employment, business, profession or vocation, since my suspension and during the month of September,2024

Yours faithfully,

A-Purushottama Naidu

(A. Purushothama Naidu)
Deputy Statistical Officer

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AS (OP)
SO

Sd/ 26/9/24
SO-I

26/9/2024
ASO-2(OP)

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2. Government after careful consideration of the issue hereby order that Compensatory Allowance in lieu of residential attenders will not be admissible during the periods of suspension which is regularised and treated as duty in terms of the rules under F.Rs. since performing duty during active service is different from that of the periods treated as duty such as Joining Time/Leave/Compulsory wait/Training etc., without active service, on the analogy of instructions issued in the Circular Memo cited.

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2. Payment of Subsistence Allowance during the period of suspension.

(Circle Memo. No. 13431-160-AF.R.II/93, Fin. & Plg., Dt. 1-4-1993)

Order :—It has come to the notice of Government that the employees who are kept under suspension beyond 6 months are not receiving subsistence allowance beyond 6 months on the ground that the suspension has to be reviewed by the competent authorities. In this connection, the following instructions are issued for implementation by all the competent authorities who place a Government servant under suspension in public interest.

2. According to Rule 18 (c) (i) of A.P. Civil Services (CC &A) Rules, 1963, an officer should not be kept under suspension for a period exceeding 6 months normally and the disciplinary proceedings should be finalised within that period. The cases of Officers who are placed under suspension should be reviewed by the authorities higher or by the Government themselves every six months, in order to ensure that suspensions are not continued indefinitely without justification.

3. According to F.R. 53 (i) (ii) (a), subsistence allowance at an amount equal to the leave salary which the Government Servant would have drawn, if he had been on leave on behalf average pay, or half pay has to be paid, apart from the admissible allowances as per Rules. In terms of provision thereto, the amount of subsistence allowance can be enhanced or reduced by an amount not exceeding 50% of the subsistence allowance already admissible under the circumstances mentioned at (i)/(ii) under the above provision. Under Fundamental Rules, there is no bar or restriction limiting payment of subsistence allowance upto a period of six months in cases when the period of suspension is to be reviewed. In other words, the subsistence allowance according to F.R. 53(i)(ii)(a) and in terms of proviso thereto, depending upon the situation of the case specified in item Nos. (i) and (ii) under the proviso, as the case may be, has to be paid, as long as a person is continued under suspension even if the period is extended by undertaking a review or not.

4. Thus, the subsistence allowance shall not be denied to the suspended employee on any ground unless the suspended employee is unable to furnish a certificate that he is not engaged in any other employment etc., during the period to which the claim relates.

5. According to the instructions, revision of subsistence in terms of proviso to Clause (ii) (a) of Sub-rule (i) of F.R. 53 should not be given retrospective effect.

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4. Certificate to be submitted by the suspended official under F.R. 53(2).

(G.O.Ms.No. 82, G.A.D., Dt. 1-3-1996)

Order :—Under F.R. 53(2), the suspended official shall submit to the competent authority, a certificate that he/she is not engaged in any other employment, business, profession or vacation. The format of certificate to be submitted shall be in the format as shown in Form I annexed to this Order.

FORM I

STANDARD FORM OF CERTIFICATE TO BE FURNISHED BY THE SUSPENDED OFFICIAL UNDER F.R. 53(2)

I ..... (name of Government servant) having been placed under suspension by Order No. ..... Dt..... while holding the post of ..... do hereby certify that I have not been employed in any business.

Name of the Government servant :

Address : *Signature*

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5. Payment of Interim Relief to those who are under suspension.

(Memo. No. 44113/541/PC. I/I/98-1, Fin. & Plg. (FW.PC.I) Dept., Dt. 11-11-1998)

Ref. :– 1. G.O.(P)No. 117, Fin. & Plg. (FW.PC.I) Dept., Dt. 3-7-98.

2. From the CAO, o/o the DG & IGP, Lr. No. P1/90/97, Dt. 28-10-98.

Order :—In the G.O. first cited, orders were issued sanctioning an Interim Relief of 11 % to the State Government employees ftom 1-6-98, pending Revision of Pay Scales. In the reference 2nd cited, a clarification has been sought for regarding admissibility of Interim Relief to those who are under suspension.

The issue has been examined. Interim Relief cannot be treated neither as pay or wage or as an allowance. Hence, it is hereby clarified that Interim Relief is not admissible during the period of suspension.

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6. Payment of subsistence allowance – Further Instructions.

(Memo. No. 39071/471/A2/FR.II/99, F & P (FW.FR-II) Dept., Dt. 28-02-2000)

Ref. :– 1. Memo. No. 13431-160/A/F.R.II/93, Dt. 1-4-93.

2. Memo. No. 29730-A/458/A2/Fr.II/94, Dt. 15-9-94.

Order :—In the Circular Memos. Ist and IInd cited, detailed instructions were issued for prompt payment of subsistence allowance to the employees who were under suspension.

2. The Supreme Court of India in a case of the *State of Maharashtra Vs. Chandrabhan*, 1983(2) SLR 493, while allowing the writ petition, dismissed the Civil Appeal has clarified that on payment of subsistence allowance during the period of suspension when the Government Servant is lodged in prison on conviction by trial Court. The observations of the Supreme Court is as follows :—

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